



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 04 2013

REPLY TO THE ATTENTION OF:

SE-5J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

William R. Mullins, President
Mullins Rubber Products, Inc.
2949 Valley Pike
Riverside, Ohio 45404

Re: Valley Pike VOC Site
Riverside, OH
General Notice of Potential Liability and Request for Information

Dear Mr. Mullins:

The U.S. Environmental Protection Agency has documented the release or threat of release of hazardous substances, pollutants and contaminants into the environment from the Valley Pike VOC Site (VPV Site), and is planning to spend public funds to control and investigate these releases. The VPV Site is located in Riverside, Montgomery County, Ohio. At this time, the approximate boundaries of the VPV Site are the Mullins Rubber Products, Inc. (Mullins Rubber) facility on the east, Pleasant Valley Avenue on the west, Bushnell and Hypathia Avenues on the north and Valley Pike Road on the south. Recent inspections of the VPV Site by EPA and the Ohio Environmental Protection Agency have found that tetrachloroethene (TCE) and trichloroethene (PCE), hazardous substances, are present in groundwater, soil, sub-slab vapor, and indoor air. Action will be taken by EPA pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. §§ 9601-9675 unless EPA determines that such action will be done properly by a responsible party or parties. Responsible parties under CERCLA include the current and former owners and operators of the VPV Site, and persons who generated the hazardous substances or were involved in the transport, treatment, or disposal of the hazardous substances at the VPV Site. Under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), where EPA uses public funds towards the cleanup of the hazardous substances, responsible parties are liable for all costs associated with the removal or remedial action and all other necessary costs incurred in cleaning up the VPV Site, including investigation, planning and enforcement costs.

EPA is currently planning to conduct the following actions at the VPV Site.

1. Develop and implement a Site Health and Safety Plan;
2. Conduct subsurface gas sampling (including VOCs) and conduct extent of contamination sampling utilizing groundwater, soil gas, sub-slab, and indoor air sampling techniques;
3. If the ODH Sub-Slab or Indoor Air Screening Level for a contaminant of concern (TCE, PCE, etc) is exceeded for a residential structure, design and install a vapor abatement mitigation system in the structure(s) impacted by subsurface gas migration. The Abatement system will include installation of a SSDS or crawl space depressurization system, sealing cracks in walls and floors of the basement, and sealing drains that could be a pathway. The vapor abatement mitigation system will be designed to control levels of VOCs to below ODH sub-slab and indoor air screening levels.
4. If the ODH Sub-Slab or Indoor Air Screening Level for a contaminant of concern (TCE, PCE, etc) is exceeded for a non-residential structure, design and install a vapor abatement mitigation system in the structure(s) impacted by subsurface gas migration. The Abatement system will include installation of a SSDS, sealing cracks in walls and floors, and sealing drains that could be a pathway. The vapor abatement mitigation system will be designed to control levels of VOCs to below ODH sub-slab and indoor air screening levels.
5. Develop and implement a performance sample plan to confirm that ODH screening levels are achieved for contaminants of concern following installation of vapor abatement mitigation systems.

EPA has received information that Mullins Rubber may have owned and/or operated a facility from which there has been a release of hazardous substances to the VPV Site or generated hazardous substances that were disposed of at the VPV Site. By this letter, EPA notifies Mullins Rubber of its potential liability with regard to this matter and encourages Mullins Rubber, as a potentially responsible party, to agree to reimburse EPA for costs incurred to date and to voluntarily perform or finance the response activities that EPA has determined or will determine are required at the Site. EPA is willing to discuss with you the entry of an appropriate administrative consent order under which you would perform or finance response activities and reimburse EPA for its costs. If a consent order cannot be promptly concluded, EPA may issue a unilateral order under Section 106 of CERCLA, requiring Mullins Rubber to perform specified work. Under Sections 106 and 107 of CERCLA, Mullins Rubber may be liable for reimbursement of EPA's costs, for statutory penalties and for treble damages for noncompliance with such an order. If Mullins Rubber is a qualified small business, enclosed is a *U.S. EPA Small Business Resources Information Sheet*, which may be helpful if you are subject to an EPA enforcement action.

Because of the conditions described above, EPA believes that response activities at the Site must be initiated as quickly as possible. Therefore, EPA does not intend to utilize the special notice

procedures available under Section 122(e) of CERCLA. As a potentially responsible party, you should notify EPA in writing within fourteen (14) calendar days of receipt of this letter of your willingness to perform or finance the activities described above and to reimburse EPA for its costs. If EPA does not receive a timely response, EPA will assume that Mullins Rubber does not wish to negotiate a resolution of its potential responsibility in connection with the Site and that Mullins Rubber has declined any involvement in performing the response activities. Your response should indicate the appropriate name, address and telephone number for further contact with you. If you are already involved in discussions with state or local authorities, engaged in a voluntary cleanup action or involved in a lawsuit regarding the Site, you should continue such activities as you see fit. This letter is not intended to advise you or direct you to restrict or discontinue any such activities already underway; however, you are advised to report the status of those discussions or actions in your response to this letter and to provide a copy of your response to any other parties involved in those discussions or actions.

In addition, EPA is seeking to obtain certain other information from you pursuant to its authority under Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), for the purpose of enforcing CERCLA and to assist in determining the need for response to a release of hazardous substance(s) under CERCLA. The Administrator of EPA has the authority to require any person who has or may have information relevant to any of the following to furnish EPA with such information: (a) the identification, nature or quantity of materials which have been or are generated, treated, stored or disposed of at, or transported to, a facility; (b) the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility; and (c) the ability of a person to pay for or perform a cleanup. Pursuant to Section 104(e) of CERCLA, you are hereby requested to submit the following information concerning the VPV Site:

1. Identify the current owner and/or operator of the Mullins Rubber facility located at 2949 Valley Pike, Riverside, Ohio.
2. State the dates during which the current owner and/or operator owned, operated or leased any portion of the Mullins Rubber facility and provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to deeds and leases.
3. Describe the nature of Mullins Rubber's activities at the Mullins Rubber facility with respect to purchasing, receiving, processing, storing, treating, disposing, handling or otherwise using TCE and/or PCE.
4. Identify the quantity of TCE and/or PCE purchased, received, processed, stored, treated, disposed, handled or otherwise used at the Mullins Rubber facility.
5. Describe how TCE and/or PCE were used in degreasing and/or metal cleaning operations at the Mullins Rubber facility.

6. Identify the number and location of dry wells utilized by Mullins Rubber to discharge cooling water associated with degreasing and/or metal cleaning operations at the Mullins Rubber facility.
7. Provide the results of any sampling conducted by Mullins Rubber to detect the presence of TCE and/or PCE in soil and/or groundwater at the VPV Site.
8. State the time period, or periods, over which TCE and/or PCE were used at the Mullins Rubber facility.
9. If any of the documents solicited in this information request are no longer available, please state the reason why they are no longer available.

To assist you in answering this request, the information sought pertains to any and all information in your possession, custody or control relating to the operation of the VPV Site and to the transportation, storage and/or disposal of hazardous substances or the generation of hazardous substances that were ultimately disposed of or offered for disposal at the VPV Site. The relevant time period for this request is from Mullins Rubber's initiation of its business operations at the VPV Site to the present date.

This request is directed to your company, its officers, directors and employees and its subsidiaries, divisions, facilities and its officers, directors and employees. The information sought herein must be sent to EPA within fourteen (14) calendar days of your receipt of this letter. Failure to respond fully and truthfully to this request, or to adequately justify any failure to respond, may result in an enforcement action against you by EPA under Section 104 of CERCLA, as amended. The information requested herein must be provided notwithstanding its possible characterization as confidential information or trade secrets. You may request however, that any such information be handled as confidential business information. A request for confidential treatment must be made when the information is provided, since any information not so identified will not be accorded this protection by EPA. Information claimed as confidential will be handled in accordance with the provisions of Section 104(e) of CERCLA, Section 3007(b) of the Resource Conservation and Recovery Act or 40 C.F.R. Section 2.203(b).

The written statements submitted pursuant to this request must be notarized and submitted under an authorized signature certifying that all information contained therein is true and accurate to the best of the signatory's knowledge and belief. Moreover, any documents submitted to EPA pursuant to this information request should be certified as true and authentic to the best of the signatory's knowledge and belief. Should the signatory find, at any time after the submittal of the requested information, that any portion of the submitted information is false, the signatory should so notify EPA. If any answer certified as true should be found to be untrue, the signatory can and may be prosecuted pursuant to 18 U.S.C. § 1001. EPA has the authority to use the information requested herein in any administrative, civil or criminal action.

Please send your responses to both the General Notice of Potential Liability and Request for Information to:

Grace Co, Enforcement Specialist
U.S. Environmental Protection Agency, Region 5
Superfund Division - Enforcement & Compliance Assurance Branch
Enforcement Services Section 2, SE-5J
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you need further information regarding this letter, you may contact Grace Co, Enforcement Services Section 2, at (312) 353-6779. You may direct any legal questions to Richard Murawski of the Office of Regional Counsel at (312) 886-6721.

Due to the nature of the problem at the VPV Site and the attendant legal ramifications, EPA strongly encourages you to submit a written response within the time frames specified herein. We hope you will give this matter your immediate attention.

Sincerely,

A handwritten signature in dark ink, appearing to read "J. El-Zein for JEB".

Jason H. El-Zein, Chief
Emergency Response Branch 1

Enclosure:

U.S. EPA Small Business Resources Information Sheet, June 2011

cc: Richard Murawski, ORC (C-14J)
Steven L. Renninger, OSC (Ohio)
Carol Ropski, ESS 1 (SE-5J)
Grace Co, ES, ESS 2 (SE-5J)
Richard Hackley, PAAS (MF-10J)
Records Center (SRC-7J)

Mr. Lindy Nelson
U.S. Department of the Interior
Office of Environmental Policy and Compliance
U.S. Custom House, Room 244
200 Chestnut Street
Philadelphia, PA 19106

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline - to report oil and hazardous substance spills

www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.